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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of

Implementation of Section 4(g) of the  
Cable Television Consumer Protection  
Act of 1992

Home Shopping Station Issues

MM Docket No. 93-8

To: The Commission

REPLY COMMENTS OF KPST-TV

Pan Pacific Television, Inc. ("Pan Pacific"), operator of Television Station KPST-TV, Channel 66, Vallejo, California, submits the following reply to comments filed in this proceeding by the National Cable Television Association ("NCTA") and the Center for the Study of Commercialism ("CSC").

1. Both NCTA and CSC would have the Commission base its must-carry determination in this proceeding on the broad generalization that home shopping stations offer little public interest programming. Thus, NCTA asserts that "home shopping stations do not generally provide any of the news, public affairs, or other types of programming 'critical' to an informed electorate . . . ." NCTA Comments, p. 5. In the same vein, CSC declares that there is no "indication that home shopping stations are providing programming intended to serve the unmet needs of the community." CSC Comments, p. 16. Neither NCTA nor CSC makes any effort to document those sweeping claims with any

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showing of the particular program content of even a single home shopping station. Nor do these commenters suggest that the Commission ought to individually examine the programming of each such station before ruling the station unworthy of must-carry rights.

2. KPST-TV has shown in its initial Comments that the generalization made by NCTA and CSC is simply not valid. KPST-TV would be considered a home shopping station under some proposed definitions, because more than 50% of its programming week consists of home shopping programming.<sup>1/</sup> However, even NCTA and CSC would have to concede that, by any reasonable measure, KPST-TV provides substantial public service and public interest programming to its community.

3. The service area of KPST-TV is the San Francisco Bay Area. As KPST-TV pointed out in its initial Comments, approximately 10% of the greater Bay Area population, and approximately 20% of San Francisco's population, are composed of ethnic Chinese. Many of these Chinese-Americans retain strong family, cultural, and/or business ties to China (whether Taiwan, Mainland China, or Hong Kong). Many do not speak or understand English. Among this population group, there is a substantial

need and demand for Chinese language television programming, especially programs reporting news and public affairs of the "homeland."

4. KPST-TV addresses this need by broadcasting Chinese language programming for three hours every evening during prime time (7:00 to 10:00 p.m.), seven days a week. These 21 hours constitute 12½ percent of the total broadcast week and, far more significantly, 75 percent of all prime time hours. Half of the Chinese language programming is news, commentary, public affairs, documentary, educational, informational, and other non-entertainment programming. Much of it is locally produced.<sup>2/</sup>

(as KPST-TV plainly does), then a universal judgment to the contrary is patently invalid.

6. All of this demonstrates that the Commission cannot make any adverse determinations about home shopping stations without first examining each such station's individual record. Each station must be given the opportunity, with adequate notice, to submit an individualized showing. Moreover, the Commission will have to define in advance the standards that stations must meet and the showing they must make in order to qualify as "serving the public interest, convenience, and necessity" within the meaning of Section 4(g) of the Act. Failure to give stations adequate notice of what is required would invalidate any ensuing adverse determinations that the Commission made and would lead to judicial reversals.

7. In sum, the Commission has only two alternatives in this proceeding: (a) it may reasonably conclude that home shopping stations as a class do serve the public interest; or (b) if unable to make that universal judgment, it may define the applicable standards and establish a procedure by which each home shopping station will submit a showing and be judged individually. Any other approach, in our view, would be arbitrary and thus unlawful.

Respectfully submitted,

PAN PACIFIC TELEVISION, INC.

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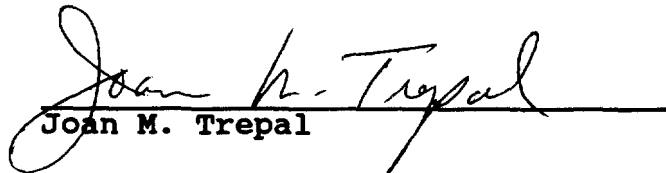
April 26, 1993

CERTIFICATE OF SERVICE

I, Joan Trepal, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, P.C., hereby certify that I have, on this 26th day of April, 1993, sent by first-class mail, postage prepaid, copies of the foregoing "Reply Comments of KPST-TV" to the following:

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